



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Licensing Committee

10 May 2024

ENV882

Report of: Councillor Phillip Knowles
Cabinet Member for Corporate
Governance and Licensing

Hackney Carriage and Private Hire Licensing Policy – SKDC Consultation Response

Report Author

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Purpose of Report

To consider the consultation response following the Licensing Committee's consideration of the Department of Transport's updated guidance.

Recommendations

That the Licensing Committee confirms any amendments, in addition to those already agreed, that it wishes to recommend to Full Council for approval in respect of the current Hackney Carriage and Private Hire Licensing Policy following receipt of the SKDC consultation feedback.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no specific financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Legal and Governance

- 1.2 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons. Any amendments to the Council's Hackney Carriage and Private Hire Licensing Policy must be approved by Full Council.

Completed by: Graham Watts, Monitoring Officer

Community Safety

- 1.3 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

2. Background to the Report

- 2.1 The current Policy was adopted and became operational on 1 April 2021. The Policy is fundamental to protecting public safety and keeping people from harm and provides the framework upon which the Authority delivers its statutory functions relating to hackney carriage and private hire licensing.
- 2.2 The Department for Transport (“DfT”) issued a public consultation document, which the Licensing Committee considered on 10 May 2022 and approved the response submitted on behalf of South Kesteven District Council. In November 2023 the DfT’s issued their non-statutory best practice guidance.
- 2.4 The Licensing Committee considered the DfT best practice guidance at its meeting on 16 February 2024. The Committee agreed to recommend to Full Council some changes to the current Policy without requiring any public consultation. However, there were some items that the Committee agreed the public should be consulted on in order that the Committee could make an informed recommendation to Full Council. In respect of those items requiring public consultation, the consultation commenced on 19 March 2024 and concluded on 16 April 2024.

3. Key Considerations

- 3.1 Licensing Authorities are responsible for deciding their own policy and making decisions on individual licensing matters, applying the relevant law and any other relevant considerations. Licensing authorities must give due regard to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022).
- 3.2 Any amendments to update the existing Policy which are recommended by the Licensing Committee will require approval by Full Council.
- 3.3 Attached in Appendix 1 is an outline of the Licensing Committee decisions from 16 February 2024, together with those matters which were the subject of consultation and remain outstanding for the Committee to consider in terms of whether or not a recommendation should be submitted to Full Council to amend the Policy.
- 3.3 The consultation report is attached in Appendix 2.
- 3.4 A report outlining the feedback received from the consultation and potential amendments for your consideration is at Appendix 3.
- 3.5 The Licensing Committee recommended on 16 February 2024 that a vehicle check/walkaround and evidence of the check be retained as proof of completion and that this be added to the Policy without the need for public consultation. The Licensing Committee is requested to confirm how long it would like to recommend these vehicle checklists be retained for.

4. Other Options Considered

- 4.1 To retain the Council's existing Policy, unamended.
- 4.2 To recommend amendments to the Council's existing Policy to Full Council for approval.

5. Reasons for the Recommendations

- 5.1 The policy supports the Council in fulfilling its statutory duties associated with the licensing of hackney carriage and private hire trades. This process ensures the policy remains up to date.

6. Consultation

- 6.1 A four week consultation was undertaken, as approved by the Committee on the following areas:
 - **Driver proficiency** – to undertake training and/or assessment focussed on attitudes and behaviours.
 - **Vehicle condition check** – to agree the number of penalty points if not completed.
 - **Vehicle age limits** – to gauge feedback on proposal to amend the existing restriction to vehicles being registered after September 2015 (to ensure Euro 6 compliance).
 - **Setting fare scales** – to gauge feedback as to whether to amend the current partially de-regulated fare scale to a maximum fare scale.
 - **Flexible Transport Services** – to gauge interest.
- 6.2 The following stakeholders were contacted using a variety of methods such as email, social media and press releases:
 - Hackney Carriage (Taxi) and Private Hire Vehicle Licence holders – Operators, Drivers and Vehicle Owners.
 - SK residents.
 - Town and Parish Councils including the Grantham Charter Trustees.
 - The Chief Constable of Lincolnshire Police and the Police and Crime Commissioner.
 - Lincolnshire County Council – Trading Standards.
 - SKDC - Environmental Health (Public Protection), Domestic Abuse Officer, Housing (safeguarding).
 - Pub Watch.
 - Community and Voluntary Groups – as contacted by our Community Engagement Team.

7. Background Papers

7.1 [Department for Transport Consultation response \(Nov 2023\) - Taxi and private hire vehicle licensing - GOV.UK \(www.gov.uk\)](#)

7.2 [Department for Transport Statutory Taxi and Private Hire Vehicle Standards \(updated November 2022\) - \(www.gov.uk\)](#)

7.3 [South Kesteven District Council - Hackney Carriage and Private Hire Licensing Policy \(April 2021\)](#)

7.4 [Licensing Committee Report ENV876 & meeting minutes](#)

8. Appendices

8.1 Appendix 1 - Decisions from Licensing Committee (16 February 2024) following Department for Transport Consultation response and further decisions required following the public consultation.

8.2 Appendix 2 – Consultation Report

8.3 Appendix 3 - Feedback received from the consultation and proposed responses.